

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

5/13/80

8:32 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Patricia Sheridan, Town Clerk
Everett Johns, Town Attorney

Supervisor Dusanenko declared the Town Board Meeting open; assemblage saluted the Flag.

Supervisor Dusanenko called upon the Presidents of various Clarkstown Senior Citizens' Clubs to accept a proclamation on behalf of "Senior Citizen Month". Accepting were:

- | | |
|------------------------|---------------|
| Ann Spena | Bardonia |
| Mildred Butler | Central Nyack |
| Louise Gainley | Middlewood |
| Bertha Wood | Lakeview |
| Elizabeth DeMaio(V.P.) | New City I |
| Nathan Bayer | New City II |
| Evelyn Perrone | Congers I |
| Ruth Miller | Congers II |
| Mary Reilly | Nanuet |

RESOLUTION NO. (363-1980)

PROCLAMATION ON BEHALF
OF SENIOR CITIZEN MONTH

Co. Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown is privileged to number among its residents over five thousand senior citizens, a group which have proven to be vital to the growth and prosperity of our community, and

WHEREAS, these citizens can be considered a great asset to the Town of Clarkstown, and

WHEREAS, these men and women provide humor, zest and the wisdom of their years to enrich all our daily lives, and

WHEREAS, our indebtedness to our senior citizens is impossible to repay, and the Clarkstown Town Board is cognizant of the inherent socio-economic problems of our senior citizens and will continue to pursue new and innovative ways to help alleviate these burdens, and through our senior citizen groups will solidify our social bond between ourselves and our elderly persons, and

WHEREAS, we now wish to reaffirm the affection, concern and profound respect we feel for this group of individuals;

NOW, THEREFORE, be it

RESOLVED, that I, Theodore R. Dusanenko, Supervisor of the Town of Clarkstown, on this thirteenth day of May, 1980, do hereby proclaim the month of May, nineteen hundred and eighty as "Senior Citizens Month" in the Town of Clarkstown, and urge all our residents to join with us in recognizing all our Senior Citizens in an appropriate fashion.

Seconded by Co.Longo

All voted Aye.

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RESOLUTION NO. (364-1980)

ADJOURNING REGULAR TOWN BOARD MEETING TO HOLD SCHEDULED PUBLIC HEARING (SEIKI WATER EXTENSION)

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing re: Seiki Water Extension, time: 8:40 P.M.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO.(365-1980)

RESUMING REGULAR TOWN BOARD MEETING SCHEDULED PUBLIC HEARING HAVING BEEN HELD (SEIKI WATER EXTENSION)

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be resumed, scheduled Public Hearing re: Seiki Water Extension, having been held, time: 8:42 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (366-1980)

ADJOURNING REGULAR TOWN BOARD MEETING TO HOLD SCHEDULED PUBLIC HEARING (BRUCE MacDONALD ZONE CHANGE APPLICATION)

Co. Longo offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing re: Bruce MacDonald Zone Change application, time: 8:43 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (367-1980)

RESUMING REGULAR TOWN BOARD MEETING, SCHEDULED PUBLIC HEARING HAVING BEEN HELD (BRUCE MacDONALD ZONE CHANGE APPLICATION)

Co. Longo offered the following resolution:

RESOLVED, close Public Hearing, Reserve Decision on MacDonald Zone Change application and return to regularly scheduled Town Board Meeting, time: 9:05 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (368-1980)

AWARDING BID FOR LAWN MOWER AND REJECTING BID FOR 3 TRIMMING MACHINES (LOCKE'S HARDWARE & MOWER SERVICE)

Co.Lette offered the following resolution:

AAE505

RESOLUTION NO. (368-1980) Continued

RESOLVED, that based upon the recommendation of the Director of Purchasing and the Superintendent of Recreation and Parks that the bid to purchase

One- Commercial Lawn Mower and three - Weed Eater Trimming Machines

is hereby awarded as follows:

One - Commerical Lawn Mower

Awarded to:

Locke's Hardware & Mower Service
Lake Road
Valley Cottage, New York 10989

for one Bobcat 36" commercial Rotary Mower equipped with "Dump as you go" grass catcher and attachable rider seat

at the low bid cost of \$1,795.00

Three Trimming Machines

ALL BIDS REJECTED

and be it

FURTHER RESOLVED, that funds for the purchase of the Mower be charged to Parklands and Improvements Account as per Town Board Resolution 1980-163.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (369-1980)

AWARDING BID FOR PLAYGROUND EQUIPMENT (GAME TIME, INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing and the Superintendent of Recreation and Parks that the bid to purchase Playground Equipment for the Parks & Recreation Department is hereby awarded to:

Game Time, Inc.
c/o Don Rhuda
Wixon Pond Road
Mahopac, New York 10541

for one Game Time Mod-U-Log Multi-Activity Playground Unit at the cost of \$6,892.50 for materials only, and be it

FURTHER RESOLVED, that funds for same to be charged to the Parklands and Improvement Account as per Town Board Resolution #163-1980).

Seconded by Co. Lettre

All voted Aye.

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AAE505

RESOLUTION NO. (370-1980)

ADOPTING AND ACCEPTING
MINUTES OF TOWN BOARD
MEETINGS OF 3/25/80,
4/8/80 AND 4/22/80 and
SPECIAL TOWN BOARD MEETINGS
of 4/14/80 and 4/28/80

Co. Longo offered the following resolution:

RESOLVED, that the regular Minutes of the Town Board meetings of March 25th, April 8th and April 22nd, 1980 and the Special Town Board Minutes of April 14th and April 28th, 1980, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (371-1980)

AUTHORIZING THIRD ELEMENTARY
PROGRAM OF PARKS BOARD AND
RECREATION COMMISSION OF
1980 CAMP CLARKSTOWN -
INCREASE ESTIMATED REVENUE

Co. Lettre offered the following resolution:

WHEREAS, there has been an overwhelming response to the Clarkstown Parks Board and Recreation Commission 1980 Camp Clarkstown, and

WHEREAS, it is necessary to start a third elementary program to be located at the Laurel Plains Elementary School, and

WHEREAS, this program is self-sustaining:

NOW, THEREFORE, be it

RESOLVED, that the Comptroller is hereby authorized to increase the Estimated Revenue Account No. 01-002001 \$16,200 and increase the following Appropriation Account Nos:

A 7310-113	\$ 9,030
A 7310-404	5,130
A 7310-409	<u>2,040</u>
	\$16,200

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (372-1980)

BOND AND CAPITAL NOTE
RESOLUTION AUTHORIZING
CONSTRUCTION OF DRAINAGE
IMPROVEMENTS - \$2,030,000
AND AUTHORIZING ISSUANCE
OF \$101,500 CAPITAL NOTES

Co. Longo offered the following resolution:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

RESOLUTION NO. (372-1980) Continued

Section 1. The Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, is hereby authorized to construct various surface drainage improvements in the Town, including pipes, retention basins, and also including land or rights in land, original furnishings, equipment, machinery or apparatus and all other necessary appurtenances required in connection therewith in accordance with plans and specifications prepared by Director of Department of Environmental Control, a duly licensed engineer of the State of New York. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$2,030,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$101,500 capital notes to provide the required down payment, the issuance of \$1,928,500 serial bonds of the Town to finance the balance of said appropriation and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes in the principal amount of \$101,500 and serial bonds in the principal amount of \$1,928,500 of the Town, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said \$1,928,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 3. of the Law, is thirty (30) years.

(b) Current funds are required by the Law to be provided as a down payment prior to the making of expenditures for a specific capital improvement from the proceeds of the bonds herein authorized or any notes in anticipation of the sale of such bonds or from a fund into which such proceeds are paid, and the appropriate amount of such current funds will be provided from the proceeds of said \$101,500 capital notes herein authorized to be issued. The Supervisor is hereby authorized and directed to set aside the proceeds of the sale of said capital notes and to apply the same solely to the cost of said class of objects or purposes described in Section 1 hereof.

(c) The maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the notes and bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said notes and bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said notes and bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the notes and bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

RESOLUTION NO. (372-1980) Continued

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the notes and bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall be subject to permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by Councilman Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Messrs. Dusanenko, Holbrook, Lettre,
Longo and Maloney

NOES: None

The resolution was declared adopted.

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RESOLUTION NO. (373-1980)

AUTHORIZING PUBLICATION OF
BOND BY TOWN CLERK

Co. Longo offered the following resolution:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk shall, within ten (10) days after the adoption of the bond and capital note resolution referred to in the form of Notice hereinafter set forth in Section 2 hereof, cause to be published at least once in "THE JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation in the Town, and hereby designated the official newspaper of the Town, for such publication, and to be posted on the sign board of the Town

RESOLUTION NO. (373-1980) Continued

maintained pursuant to subdivisions 6 of Section 30 of the Town Law and in at least five (5) public places in the Town, a Notice which shall set forth the date of adoption of said bond and capital note resolution and contain an abstract thereof concisely stating its purpose and effect.

Section 2. The Notice referred to in Section 1 hereof shall be in substantially the following form:

PLEASE TAKE NOTICE that on May 13, 1980, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted the bond and capital note resolution entitled:

Bond and Capital Note Resolution of the Town of Clarkstown, New York, adopted May 13, 1980, authorizing the construction of drainage improvements in said Town, stating the estimated maximum cost thereof is \$2,030,000, appropriating said amount therefor and authorizing the issuance of \$101,500 capital notes to provide the required down payment and \$1,928,500 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of such resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the Town of Clarkston ("Town"), New York, to construct various surface drainage improvements in the Town, including pipes, retention basins, and also including land or rights in land, original furnishings, equipment, machinery or apparatus and all other necessary appurtenances required in connection therewith; STATING the estimated maximum cost thereof is \$2,030,000 and APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$101,500 capital notes to provide the required down payment, the issuance of \$1,928,500 serial bonds of the Town to finance the balance of said appropriation and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable;

SECOND: AUTHORIZING \$101,500 capital notes and \$1,928,500 serial bonds of the Town to be issued pursuant to the provisions of the Local Finance Law ("Law"), to finance said appropriation;

THIRD: DETERMINING AND DECLARING that the period of probable usefulness of said class of objects or purposes is thirty (30) years; that current funds are required by the Law to be provided as a down payment prior to the making of expenditures for a specific capital improvement from the proceeds of the bonds authorized or any notes in anticipation of the sale of such bonds or from a fund into which such proceeds are paid, and the appropriate amount of such current funds will be provided from the proceeds of said \$101,500 capital notes authorized to be issued; AUTHORIZING AND DIRECTING the Supervisor to set aside the proceeds of the sale of said capital notes and to apply the same solely to the cost of said class of objects or purposes;

FOURTH: DETERMINING that said notes and bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said notes and bonds and notes in anticipation of said bonds or the renewals thereof;

RESOLUTION NO. (373-1980) Continued

SIXTH: PROVINDING that the resolution is subject to permissive referendum.

DATED: May 13, 1980

PATRICIA SHERIDAN,
Town Clerk

Section 3. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof, and hereby designated the official newspaper of the Town for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 4. This resolution shall take effect immediately.

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The adoption of foregoing resolution was seconded by Councilman Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Messrs. Dusanenko, Holbrook, Lettre,
Longo and Maloney

NOES: None

The resolution was declared adopted.

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RESOLUTION NO. (374-1980)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
COUNTY OF ROCKLAND FOR
STREAM MAINTENANCE

Co. Longo offered the following resolution:

WHEREAS, the Town of Clarkstown desires to enter into an agreement with the County of Rockland for stream maintenance;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland in a form satisfactory to the Town Attorney and which shall provide that the Town of Clarkstown receive \$11,000.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (375-1980)

AUTHORIZING SUPERVISOR TO
ENTER INTO AGREEMENT WITH
COUNTY OF ROCKLAND (PUBLIC
TRANSPORTATION ROUTES)

Co. Longo offered the following resolution:

WHEREAS, Section 18 (b) of the Transportation Law provides for the appropriation offunds for the operation of bus transportation systems, and

RESOLUTION NO. (375-1980) Continued

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (376-1980)

AUTHORIZING SUPERVISOR TO EXECUTE AN ORDER ON CONSENT (CHARLES R. VELZY ASSOCIATES, INC.)

Co. Maloney offered the following resolution:

WHEREAS, the New York State Department of Environmental Conservation has requested that the Town of Clarkstown execute an Order on Consent in connection with the alleged violations of Section 24-0701 of the Environmental Conservation Law and Part 360 of the Official Compilation of Codes, Rules and Regulations of the State of New York by the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute said Order on Consent in connection with the above alleged violations, and be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Charles R. Velzy Associates, Inc., to perform the services as required by the Order on Consent, said agreement to be in a form satisfactory to the Town Attorney.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (377-1980)

AWARDING BID FOR BURGLAR ALARM SYSTEM AT HIGHWAY GARAGE (A & R BURGLAR ALARM CORP.) INCREASING ESTIMATED REVENUE ACCOUNT #04-10299 AND APPROPRIATION ACCOUNT #D5110-0430)

Co. Lettre offered the following resolution:

WHEREAS, an emergency condition exists in the Town of Clarkstown at the Clarkstown Highway Garage which necessitates the immediate installation of a burglar alarm system to protect the property of the Town of Clarkstown;

AAE505

RESOLUTION NO. (377-1980) Continued

NOW, THEREFORE, be it

RESOLVED, that the bid for the burglar alarm system at the Clarkstown Highway Garage is hereby awarded to A & R Burglar Alarm Corp., at the bid amount of \$3,525.00 for installation and a monthly charge of \$60.00, and be it

FURTHER RESOLVED, that the budget be amended by increasing Estimated Revenue Account #04-10299 and Appropriation Account #D5110-0430 in the amount of \$3,945.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (378-1980)

ACCEPTING DEED (ANTOINETTE ESTATES SUBDIVISION - TONI COURT)

Do. Longo offered the following resolution:

RESOLVED, that upon the recommendation of the Town Attorney of the Town of Clarkstown and the Superintendent of Highways of the Town of Clarkstown, a deed for Toni Court and a 5 foot road widening strip and other improvements shown on a Subdivision Map known as "Antoinette Estates", which was granted final approval by the Planning Board of the Town of Clarkstown on September 16, 1975, and filed in the Rockland County Clerk's Office on September 22, 1975, as Map No. 4667, be accepted and recorded in the Rockland County Clerk's Office and that a copy of this resolution be filed in the Office of the Town Clerk of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (379-1980)

AUTHORIZING USE OF ESCROW FOR SHADE TREES IN JILL ESTATES SUBDIVISION

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution No. 1975-200 defaulted the escrows posted in connection with Jill Estates Subdivision to the extent of \$8,840.00; and

and WHEREAS, a balance of \$840 is still being held by the Town;

WHEREAS, among the work that the developer failed to perform was the installation of shade trees; and

WHEREAS, the cost of installing these shade trees will exceed \$840.00;

NOW, THEREFORE, be it

RESOLVED, that the Department of Environmental Control be directed to plant said trees in the Jill Estates Subdivision to the extent that they can with the \$840.00 presently remaining in escrow with the Town.

Seconded by Co. Maloney

All voted Aye.

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AAE505

RESOLUTION NO. (380-1980)

DECLARING ESCROWS IN
DEFAULT (NOB HILL)

Co. Longo offered the following resolution:

WHEREAS, the streets and other improvements in a sub-
division known as Nob Hill have not been completed, and

WHEREAS, the Town of Clarkstown is holding money in
escrow totaling \$30,775 to guaranty the completion of said streets
and public improvements;

NOW, THEREFORE, be it

RESOLVED, that said sum to complete the streets and other
public improvements is hereby defaulted to the Town of Clarkstown,
and be it

FURTHER RESOLVED, that the Town of Clarkstown will use the
aforesaid escrow funds to complete the streets and public improvements
in said subdivision.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (381-1980)

AUTHORIZING ATTENDANCE AT
MID-YEAR MEETING OF NATIONAL
RECREATION AND PARK ASSOCIA-
TION (EDWARD J. GHIAZZA)

Co. Holbrook offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board
and Recreation Commission, that Edward J. Ghiazza, Superintendent of
Recreation and Parks, is hereby authorized to attend the Mid-Year
Meeting of the National Recreation and Park Association, May 22, 1980
to May 24, 1980 to beheld in Greensboro, North Carolina,

FURTHER RESOLVED, that all necessary and actual expenses
not to exceed \$350.00 be allocated against accounts 7180-414 and
7310-414.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (382-1980)

AUTHORIZING THE SUPERVISOR
TO EXECUTE A GRANT OF
RIGHT-OF-WAY (EAGLE COURT
AND DELLWOOD PARK SUBDIVISION)

Co. Lettre offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown
is hereby authorized to execute a Grant of Right-of-Way from Orange
and Rockland Utilities, Inc., on property owned by the Town of Clarks-
town between Eagle Court and the Dellwood Park Subdivision.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (383-1980)

AUTHORIZING RECEIVER OF
TAXES TO CHARGE PENALTY
FEE OF 3% FOR LATE SCHOOL
DISTRICT TAX PAYMENTS

Co. Longo offered the following resolution:

WHEREAS, Section 37 of the Town Law of the State of New York provides that the Town Board may, by resolution, authorize the Receiver of Taxes to charge not more than 5% upon such school taxes as the Receiver of Taxes collects after the first 30 days after the the first day specified in the notice for the payment of said taxes, and

WHEREAS, the Town Receiver of Taxes has been authorized by resolution to charge not more than a 2% penalty for late payments due in the month of October;

NOW, THEREFORE, be it

RESOLVED, that the Town Receiver of Taxes of the Town of Clarkstown is authorized to charge a penalty fee of 3% collected by the Town for late school district tax payments collected during the month of October.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (384-1980)

MEMORIALIZING RESOLUTION
REGARDING POOLING OF
INSURANCE

Co. Longo offered the following resolution:

WHEREAS, the Town of Clarkstown was faced in January, 1980 with an increase of 110% in two years for liability premiums. (From \$477,142 to \$999,754, of a \$17.6 million budget), and

WHEREAS, Clarkstown's experience was not an isolated incident, but rather shared by municipalities across this state, and

WHEREAS, it is feasible that municipalities could reduce insurance costs significantly by pooling their resources into well managed funds,

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown does hereby join with many other municipalities across New York State to request that municipalities may be allowed to have the choice to pool liability insurance costs with one another so as to lessen the cost to our tax-payers, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to the appropriate state legislators.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (385-1980)

ADVERTISING FOR BID FOR
ONE 1/2 TON PICK-UP TRUCK
FOR CLARKSTOWN DOG WARDEN

Co. Holbrook offered the following resolution:

RESOLUTION NO. (385-1980) Continued

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bid for: Bid #27-1980 - One 1/2 Ton Pick-Up Truck for Clarkstown Dog Warden bids to be returnable to the office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Thursday, May 29, 1980 at which times bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Maloney

All voted Aye.

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AAE505

RESOLUTION NO. (386-1980)

ADVERTISING FOR BID FOR
ICE CREAM TO BE SOLD AT
TOWN OPERATED REFRESHMENT
STANDS

Co. Maloney offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bid for: Bid #26-1980 - Ice Cream - to be sold at Town operated Refreshment Stands bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Friday, May 23, 1980 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Lettre

All voted Aye.

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RESOLUTION NO. (387-1980)

ADVERTISING FOR BID FOR
SOFT DRINKS TO BE DISPENSED
AT TOWN OPERATED REFRESH-
MENT STANDS

Co. Longo offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bid for Bid #25-1980 - Soft Drinks to be dispensed at Town operated Refreshment Stands bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 10:00 A.M. on Friday, May 23, 1980 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (388-1980)

AUTHORIZING TOWN ATTORNEY
TO INSTITUTE PROCEEDINGS
IN ACCORDANCE WITH CHAPTER
31 OF CODE OF CLARKSTOWN
(MILA AND SANFORD PANKIN)

Co. Longo offered the following resolution:

RESOLUTION NO. (388-1980) Continued

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to rectify or remove the premises owned by:

Mila and Sanford Pankin
167 Buena Vista Road
New City, New York

in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 170, BLOCK A, LOT 16.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (389-1980)

MEMORIALIZING RESOLUTION
RELATING TO INCREASING FEES
PAID TO TOWNS AND VILLAGES
FOR SERVICES IN RELATION TO
CRIMINAL ACTIONS AND
PROCEEDINGS

Co. Longo offered the following resolution:

WHEREAS, town and village courts hear and determine cases involving violations of state law, and

WHEREAS, fines and penalties collected by such courts are paid to the state in recognition of the fact that such violations are state offenses,

WHEREAS, in recognition of the services provided by such local courts, the State of New York has provided in section 99-1 of the General Municipal Law that towns and villages shall be reimbursed for services rendered in such cases in the amount of \$5.00 per case, and

WHEREAS, the amount of \$5.00 was originally set forth in the Code of Criminal Procedure, section 740-a, by Chapter 737 of the Laws of 1939, and has remained unchanged for the past 41 years, and

WHEREAS, the per case costs of the operation of local courts have increased substantially since 1939 while no increase in reimbursement by the state to local governments for court services has been granted, and

WHEREAS, the net result is that the burden of the said additional cost of administering this state operation is borne by taxation of local real property rather than by general taxation,

NOW, THEREFORE, be it

RESOLVED, that this body does hereby strongly urge the Legislature and the Governor to act favorably on pending legislation which would increase the amount returned to towns and villages to \$15.00 instead of the present inadequate \$5.00 limit as set by the present provisions of law (Senate 2397-A; Assembly 10900), and be it

FURTHER RESOLVED, that a copy of this resolution be forthwith forwarded to the Hon. Hugh L. Carey, Governor; Hon. Warren M. Anderson, President Pro Tem of the Senate; Hon. Manfred Ohrenstein, Senate Minority

RESOLUTION NO. (389-1980) Continued

Leader; Hon. Stanley Fink, Speaker of the Assembly; Hon. Daniel B. Walsh, Assembly Majority Leader; Hon. James L. Emery, Assembly Minority Leader; Hon. Jess J. Present, Chairman, Senate Committee on Local Government; Hon. James W. McCabe, Chairman, Assembly Committee on Local Governments; and to the local State Senator and Assemblyman serving this area.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (390-1980)

AUTHORIZING SUPERVISOR
TO SUBMIT IPA - PERSONNEL
FINANCIAL MANAGEMENT INFORMA-
TION SYSTEM

Co. Longo offered the following resolution:

WHEREAS, the Town of Clarkstown wishes to make application to the New York State Department of State, Division of Planning and Federal Programs, for an IPA Grant (Intergovernmental Personnel Act Program) for which it is eligible,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is authorized to submit the attached application IPA - Personnel Financial Management Information System dated May 8, 1980.

Seconded by Co. Lettre All voted Aye.

* * * * *

The above application is on file in John McLaughlin's office and in the Personnel Department.

* * * * *

RESOLUTION NO. (391-1980)

AUTHORIZING ATTENDANCE
AT CUSTODIAN SCHOOL RE:
VOTING MACHINES (VINCENT
JAMES PIZZUTELLO)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Board, Vincent James Pizzutello, of 16 Bradley Drive, New City, is hereby authorized to attend the Custodian School (re: voting machines) in Jamestown, New York from May 14th through May 16th, 1980, and be it

FURTHER RESOLVED, that all necessary and legitimate expenses not to exceed \$200.00 be allowed.

Seconded by Co. Maloney All voted Aye.

* * * * *

RESOLUTION NO. (392-1980)

SUPPORTING SUBMISSION OF
LETTER OF INTENT BY TRAFFIC
AND TRAFFIC FIRE SAFETY
BOARD TO GOVERNOR'S TRAFFIC
SAFETY COMMISSION

Co. Holbrook offered the following resolution:

AAE505

RESOLUTION NO. (392-1980) Continued

WHEREAS, the State of New York has grant funds available for municipalities to undertake highway safety programs; and

WHEREAS, the Town Board of the Town of Clarkstown recognizes that such funds would allow the Town to identify highway safety deficiencies and to establish a program for correcting these deficiencies; and

WHEREAS, in order to apply for such funds, the Traffic and Traffic Fire Safety Advisory Board must submit a letter of intent to the Governor's Traffic Safety Committee;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown does hereby endorse the letter of intent of the Traffic and Traffic Fire Safety Advisory Board.

SEconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (393-1980)

AUTHORIZING RENTAL (WITH OPTION TO BUY) FOUR NEW VOTING MACHINES WITH DROP FRONT PANEL

Co. Longo offered the following resolution:

RESOLVED, that \$1,400.00 be transferred from Contingency Account No. A1990-505 to Account No. A1450-219 to cover rental, with option to buy, of four new voting machines, including shipping charges from Automatic Voting Machines, Inc.

Said machines will include a removable drop front panel at no extra charge. Price of the machines is \$2,530.00 each plus shipping charges. This will freeze the purchase price of these machines for next year.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (394-1980)

TRANSFER OF FUNDS FROM ACCOUNT NO. A1410-313 TO ACCOUNT NO. A1410-201 (TOWN CLERK'S OFFICE)

Co. Longo offered the following resolution:

RESOLVED, that the Comptroller is hereby authorized to transfer funds from Account No. A1410-0313 to Account No. A1410-0201 in the amount of \$390.00 to cover overdraft of \$14.00 and \$275.90 for two additional file cabinets for Town Clerk's Office and the purchase of an additional adding machine for Town Clerk's Office.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (395-1980)

TRANSFER OF FUNDS - ACCOUNT A1410-110 TO ACCOUNT A3120-110

Co. Maloney offered the following resolution:

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RESOLVED, that \$3,704.00 be transferred from Account No. A1410-110 to Account No. A3120-110.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (396-1980)

INCREASING ESTIMATED
REVENUE ACCOUNT 01-002701
AND APPROPRIATION ACCOUNT
A3650-409

Co. Longo offered the following resolution:

RESOLVED, that the budget be amended by increasing Estimated Revenue Account No. 01-002701 and Appropriation Account No. A 3650-409 in the amount of \$15,185.00.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (397-1980)

TRANSFERRING FUNDS FROM
ACCOUNT NO. A 1621-302
TO ACCOUNT NO. A 1621-412

Co. Lettre offered the following resolution:

RESOLVED, that \$300.00 be transferred from Account No. A 1621-302 to Account No. A 1621-412.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (398-1980)

AUTHORIZING SUPERVISOR
TO ENTER INTO AGREEMENT
WITH SEIKI CORPORATION

Co. Longo offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of obtaining the location of Seiki Corporation's building and business operations in Congers, Town of Clarkstown, New York, and

WHEREAS, the Seiki Corporation has agreed to make payments of sums of money in lieu of taxes amounting to what the taxes would be for an ordinary business facility, exclusive of the land;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Seiki Corporation and other taxing authorities, which agreement provides that Seiki Corporation will pay stated sums of money in lieu of taxes.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (399-1980)

AUTHORIZING FIRE LANE
DESIGNATIONS AT ROCKLAND
LAKE MANOR

Co. Longo offered the following resolution:

AAE505

RESOLUTION NO. (399-1980) Continued

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 102, Sec. 14, of the Code of the Town of Clarkstown, at Rockland Lake Manor, Congers, New York (140-B-6) by the installation of fire lane designations, and

WHEREAS, Albert Bajada, the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (400-1980)

AUTHORIZING HANDICAPPED
PARKING SPACES AT ROCKLAND
LAKE MANOR

Co. Holbrook offered the following resolution:

WHEREAS, the Building Inspector of the Town of Clarkstown recommends implementing certain provisions of Local Law No. 9-1971, as amended by Local Law #4, 1978, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 102-12D of the Code of the Town of Clarkstown, at Rockland Lake Manor, Congers, New York (140-B-6) by the installation of handicapped parking spaces, and

WHEREAS, Albert Bajada the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said handicapped parking spaces;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended by Local Law #4, 1978, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector with regard to the installation of certain handicapped parking spaces shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (401-1980)

EXTENSION OF USE OF SANITARY
LANDFILL BY NEW YORK STATE
THRUWAY AUTHORITY - AUTHORIZ-
ING TOWN ATTORNEY TO EXECUTE
A VOUCHER

Co. Maloney offered the following resolution:

RESOLUTION NO. (401-1980) Continued

WHEREAS, the New York State Thruway Authority is desirous of continuing its use of the Clarkstown Sanitary Landfill, and

WHEREAS, the Town of Clarkstown is agreeable to permitting the continued use of the Clarkstown Sanitary Landfill for the sum of \$3,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to execute a voucher for the payment of \$3,000.00 to the Town of Clarkstown for the continued use of the Clarkstown Sanitary Landfill by the New York State Thruway Authority for the period from May 19, 1980 to May 18, 1981.

Seconded by Co. Longo

All voted Aye.

* * * * *

AAE505

RESOLUTION NO. (402-1980)

SETTING PUBLIC HEARING
WITH REGARD TO ZONING
PETITION (HAY)

Co. Longo offered the following resolution:

WHEREAS, Michael J. Hay and Kathleen M. Hay have petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an L10 district to an R-15 district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 24th day of June, 1980 at 8:15 P.M., relative to the proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the office of the Town Clerk, and be it

FURTHER RESOLVED, that the above petition be referred to the Town Planning Board for report pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Secs. 239-1 and 239-m of the General Municipal Law.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (403-1980)

GRANTING CERTIFICATES OF
REGISTRATION PURSUANT TO SEC.
83-65 OF THE CODE OF TOWN OF
CLARKSTOWN

Co. Longo offered the following resolution:

WHEREAS, the following have applied for a Certificate of Registration pursuant to section 83-65 of the Code of the Town of Clarkstown:

RESOLUTION NO. (403-1980) Continued

William W. Harris
William W. Harris & Son, Inc.
120 W. Crooked Hill Road
Pearl River, New York

Richard Garrison
Chief Plumbing & Heating Inc.
400 Aster Street
Upper Nyack, New York

Robert A. Ries
Rolling Woods Const. Corp.
48 Second Street
New City, New York

Michael Mouacdie
Phoenix Excavators Corp.
62 Rose Road
West Nyack, New York

Michael Bertolino
Bertolino Trucking Corp.
277 Old Haverstraw Road
Congers, New York

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of Registration
be issued:

No. 80-15 issued to William W. Harris
(William W. Harris & Son, Inc.)

No. 80-16 issued to Richard Garrison
(Chief Plumbing & Heating, Inc.)

No. 80-17 issued to Robert A. Ries
(Rolling Woods Const. Corp.)

No. 80-18 issued to Michael Mouacdie
(Phoenix Excavators Corp.)

No. 80-19 issued to Michael Bertolino
(Bertolino Trucking Corp.)

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (404-1980)

REGARDING LOCATION OF
RESIDENTIAL FACILITY
FOR ASSOCIATION FOR THE
HELP OF RETARDED CHILDREN
(CONGERS, NEW YORK)

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown
hereby accepts (has no objection to) the location of the residential
facility for the Association for the Help of Retarded Children as
proposed in Congers, New York.

Seconded by Co. Lettre

All voted Aye with the exception of Councilman Maloney who
abstained.

AAE505

With regard to the foregoing resolution Councilman Longo wished it noted that the Association for Retarded Children had made it known to the Town of Clarkstown that they were interested in this site in Congers and had put together a meeting with all interested parties. The people of Congers had no great objection to this site. Councilman Longo stated that he was proud to be from the Hamlet of Congers.

Councilman Maloney abstained because he was employed in a position with the Association for Retarded Children.

Supervisor Dusanenko noted that he had been properly advised by individuals representing the Association for Retarded Children and this location was openly discussed with all members of the Town Board regardless of political affiliations unlike the last situation with respect to the Town of Clarkstown by my predecessor and as Councilman Longo has stated that other councilmen were involved in meetings with residents of the immediate vicinity. It was a pleasure working with those staff members and those persons who were truly concerned with the retarded who reside in Clarkstown that this was done up front in a forthright manner.

* * * * *

RESOLUTION NO. (405-1980)

APPOINTING REPRESENTATIVES
TO CLARKSTOWN LABOR NEGOTIATING
COMMITTEES

Co. Maloney offered the following resolution:

RESOLVED, that the Town of Clarkstown hereby appoints as representative of the Clarkstown Labor Negotiating Committees the following:

Police Negotiating Committee

- 1. Francis X. Mascola, Chief Spokesman
- 2. Dorothy Erard
- 3. Philip B. Fogel, Esq.

CSEA Negotiating Committee

- 1. Francis X. Mascola, Chief Spokesman
- 2. Dorothy Erard
- 3. Philip B. Fogel, Esq.
- 4. Edward J. Ghiazza
- 5. Robert H. Bowman, Alternate

Seconded by Co. Longo

All voted Aye.

Councilman Lettre noted that by law all elected officials are permitted to sit in on labor negotiations and he would be sitting in on these negotiations from time to time as they proceeded.

* * * * *

RESOLUTION NO. (406-1980)

AUTHORIZING FIRE LANE
DESIGNATIONS (RUSTEN
ESTATES)

Co. Lettre offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the Vehicle and Traffic Local Law, more particularly designated as Chapter 102, Sec. 14, of

RESOLUTION NO. (406-1980) Continued

the Code of the Town of Clarkstown, at Rusten Estates, N. Pascack Road, Spring Valley, New York (8-A-3) by the installation of fire lane designations, and

WHEREAS, John L. Fioravanti the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (407-1980)

APPOINTING BUS DRIVER (CETA)
MINI-TRANS DEPARTMENT
(MARIO TEDESCO)

Co. Longo offered the following resolution:

RESOLVED, that Mario Tedesco, 32 Burnside Avenue, Congers, New York, is hereby appointed to the position of Bus Driver (CETA) - Mini Trans Department - at the annual salary for 1980 of \$10,729., effective and retroactive to April 16, 1980.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (407A-1980)

TERMINATION OF SECURITY
AIDE - PARKS BOARD AND
RECREATION COMMISSION -
GERALD REID (CETA)

Co. Longo offered the following resolution:

RESOLVED, that the termination of Gerald Reid, 9 Sylvan Lane, New City, New York as Security Aide (CETA) - Parks Board and Recreation Commission - is hereby effective and retroactive to April 25, 1980.

Seconded by Co. Lettre

All voted Aye.

* * * * *

RESOLUTION NO. (408-1980)

ACCEPTING RESIGNATIONS OF
CROSSING GUARDS - POLICE
DEPARTMENT (CATHERINE T.
CONLAN & LILLIAN N. DOBSON)

Co. Maloney offered the following resolution:

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RESOLUTION NO. (408-1980) Continued

RESOLVED, that the resignations of the following Crossing Guards - Police Department - are hereby accepted, effective and retroactive to April 29, 1980:

- Catherine T. Conlan, 15 Sable Court, West Nyack, N.Y.
- Lillian N. Dobson, 2 Hunter Place, West Nyack, N.Y.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (409-1980)

APPOINTING POSITION OF
SUBSTITUTE CROSSING
GUARD - POLICE DEPARTMENT -
(ANN HERLIHY, KATHERINE
McDERMOTT AND ALICE M.
WILLIAMSON)

AAE505

Co. Maloney offered the following resolution:

RESOLVED, that the following are hereby appointed to the position of Substitute Crossing Guard - Police Department - at the prevailing salary for the post covered, effective and retroactive to April 28, 1980:

- Ann Herlihy, 2 Gandy Lane, New City, New York
- Katherine McDermott, 78 Demarest Avenue,
West Nyack, New York
- Alice M. Williamson, 56 North Lexow Avenue,
Nanuet, New York

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (410-1980)

TRANSFERRING POSITIONS
OF SUBSTITUTE GUARD TO
PERMANENT GUARD - POLICE
DEPARTMENT (MARY P.
McDERMOTT AND MARGARET M.
WHELAN)

Co. Maloney offered the following resolution:

RESOLVED, that the following Crossing Guards - Police Department - are hereby transferred from the position of Substitute Guard to Permanent Guard, at the daily salary of \$12.00, effective and retroactive to April 29, 1980:

- Mary P. McDermott, 18 Rammler Lane, Bardonia,
New York
- Margaret M. Whelan, 6 Acorn Terrace, New City,
New York

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (411-1980)

APPOINTING POSITION OF
OFFICE WORKER-STUDENT -
COUNSELING CENTER (JOHN J.
GLASER)

Co. Maloney offered the following resolution:

RESOLUTION NO. (411-1980) Continued

RESOLVED, that John J. Glaser, 30 Burda Avenue, New City, New York is hereby appointed to the position of Office Worker-Student - Counseling Center - at the hourly wage of \$3.10, effective and retroactive to May 12, 1980, not to exceed twenty hours per week.

Seconded by Co. Longo All voted Aye.

* * * * *

RESOLUTION NO. (412-1980) APPOINTING (PROVISIONALLY) SENIOR RECREATION LEADER - PARKS BOARD AND RECREATION COMMISSION (KEVIN KING)

Co. Lettre offered the following resolution:

WHEREAS, there is a vacancy in the position of Senior Recreation Leader, Parks Board and Recreation Commission,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Parks Board and Recreation Commission and Edward J. Ghiazza, Superintendent of Recreation and Parks, that Kevin King, 2 Shelley Avenue, Valhalla, New York, is hereby appointed provisionally, pending civil service examination, to the position of Senior Recreation Leader, Parks Board and Recreation Commission at the annual salary for 1980 of \$12,332.00, effective June 1, 1980.

Seconded by Co. Longo

On roll call the vote was as follows:

Supervisor Dusanenko.....Yes
Councilman Holbrook.....Abstain
Councilman Lettre.....Yes
Councilman Longo.....Yes
Councilman Maloney.....Abstain

* * * * *

RESOLUTION NO. (413-1980) APPOINTING POSITION OF SECURITY AIDE (CETA) - PARKS BOARD & RECREATION (RICHARD A. MEEHAN)

Co. Longo offered the following resolution:

RESOLVED, that Richard A. Meehan, 126 Saw Mill Road, New City, New York is hereby appointed to the position of Security Aide (CETA) - Parks Board & Recreation - at the annual salary for 1980 of \$9,335.00, effective and retroactive to May 7, 1980.

Seconded by Co. Lettre All voted Aye.

* * * * *

RESOLUTION NO. (414-1980) TERMINATION OF PROCEEDINGS AGAINST VENTURE INN

Co. Holbrook offered the following resolution:

RESOLUTION NO. (414-1980) Continued

RESOLVED, that all legal proceedings taken by the Town of Clarkstown against Venture Inn be terminated.

Seconded by Co. Maloney

On roll call the vote was as follows:

Supervisor Dusanenko.....	No
Councilman Holbrook.....	Yes
Councilman Lettre.....	No
Councilman Longo.....	No
Councilman Maloney.....	Yes

Councilman Lettre noted that he had requested the resolution be delayed until he had a chance to read correspondence relating to the above resolution but since he had not been given that opportunity he had to vote No.

Councilman Longo noted that, unlike the Association for Retarded Children, he took exception to the fact that Venture Inn moved their children into the facility in the middle of the night, in the rain and then came out with a scurrilous piece of literature against Councilman Lettre and myself. He felt their tactics leave a lot to be desired. He also objected to spending \$1,500.00 of taxpayers' money to find out if our zoning laws are going to be upheld and then drop the suit while it is being heard by a judge.

Supervisor Dusanenko noted that he did not approve of the tactics used by the people representing Venture Inn, unlike the Association for Retarded Children, and he felt his position had been consistent on this matter from the beginning. He felt that there are still many unanswered questions.

* * * * *

RESOLUTION NO. (415-1980)

MEMORIALIZING RESOLUTION
WITH REGARD TO INCREASE
OF BRIDGE TOLLS

Co. Lettre offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown is adamantly opposed to the recommended increase of bridge tolls from \$1.50 to \$2.00, and be it

FURTHER RESOLVED, that a copy of this resolution be mailed to Governor Carey, the New York State Legislature, Governor Byrne, the New Jersey State Legislature, the MTA and the Port Authority.

Seconded by Co. Longo

All voted Aye.

* * * * *

At this point Supervisor Dusanenko begged the indulgence of the assemblage for a recess to discuss two outstanding items of business. Time: 9:50 P.M. Regular meeting resumed at 10:30 P.M.

* * * * *

AAE505

Supervisor Dusanenko noted that regarding the possible conversion of insurance negotiations were presently underway with various insurance carriers and companies. These plans could reduce the liability claims on the Town of Clarkstown one-third of what they are now.

Town Board signed a waiver for a special meeting which will take place between the hours of 8:00 P.M. and 9:00 P.M. this coming Thursday to meet with the two major carriers to answer any and all questions.

* * * * *

RESOLUTION NO. (416-1980)

AUTHORIZING SPECIAL COUNSEL
TO DEFEND PROCEEDING AGAINST
TOWN OF CLARKSTOWN

Co. Longo offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

In the Matter of the Application of

VITO LUSURIELLO, ELAINE C. LUSURIELLO,
EDWARD P. KALLEN, ELIZABETH KALLEN, JACK
SCHREIBER, BARBARA SCHREIBER, ALFRED J.
HOFSTADTER, LEONARD ZUCKERMAN, SHIRLEY
ZUCKERMAN, AL DELGADO, KAREN DELGADO,
DR. MICHAEL IRWIN, ELIZABETH IRWIN, DR.
TIMOTHY W. O'SULLIVAN, EDWIN W. GOTTSCH,
DOROTHY M. GOTTSCH, ALFRED SCHOTT, TERESA
SCHOTT, SANTO RUFFINO, LOUISE RUFFINO,
GEORGE B. MULLIGAN, ANN M. MULLIGAN, SANDY
MILEO, LEONARD S. MILEO, THEODORE VOLL,
MARILYN VOLL, IRVING LANGBAUM, SHIRLEY
LANGBAUM AND LORETTA O'SULLIVAN,

Petitioners.

-against-

ROBERT H. BOWMAN, Building Inspector of the
Town of Clarkstown, RICHARD PARIS, JEROME
PAIKIN, RUDOLPH YACYSHYN, SHIRLEY THORMANN,
FRANCIS FALLON, CATHERINE NOWICKI and RICHARD
HOWELL, constituting the Planning Board of
the Town of Clarkstown, and JAKLA CONSTRUCTION
CORP.,

Respondents.

NOW, THEREFORE, be it

RESOLVED, that Donald S. Tracy, Esq., 317 Little Tor Road South, New City, New York, is hereby appointed as special counsel for the sum of \$750.00.

Seconded by Co. Lettre

On roll call the vote was as follows:

Supervisor Dusanenko.....Yes
Councilman Holbrook.....No
Councilman Lettre.....Yes
Councilman Longo.....Yes
Councilman Maloney.....Yes

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RESOLUTION NO. (416-1980) Continued

Councilman Maloney stated that he was not happy with the circumstances surrounding the reasons for this action.

* * * * *

There being no further business to come before the Town Board and no one wishing to be heard, the Town Board Meeting was declared closed, time: 10:31 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

AAE505

PUBLIC HEARING
TOWN OF CLARKSTOWN

Town Hall

5/13/80

8:40 P.M.

Present: Superviso Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett J. Johns, Town Attorney
Patricia Sheridan, Town Clerk

RE: PETITION FOR THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER
SUPPLY DISTRICT NO. 1 - SEIKI CORPORATION

Supervisor Dusanenko declared the Public Hearing open; Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Patricia Sheridan presented a signed affidavit of Mr. Leslie F. Bollman, Director of Environmental Control, stating that the proposed extension meets the requirements of all regulations of the Town.

Supervisor Dusanenko asked if there was anyone wishing to be heard in favor of or in opposition to the proposed extension.

IN FAVOR: No one appeared.

IN OPPOSITION: No one appeared.

There being no one wishing to be heard and on motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted the Public Hearing was declared closed, time: 8:42 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

District Extended: 5/13/80 Order signed

AAE505

PUBLIC HEARING
TOWN OF CLARKSTOWN

Town Hall

5/13/80

8:43 P.M.

Present: Supervisor Dusanenko
Councilmen Holbrook, Lettre, Longo, Maloney
Everett J. Johns, Town Attorney
Patricia Sheridan, Town Clerk

RE: CHANGE OF ZONE APPLICATION - PO DISTRICT TO RS DISTRICT -
BRUCE MacDONALD

On motion of Councilman Longo, seconded by Councilman Maloney and unanimously adopted the Public Hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Everett Johns, Town Attorney noted that the Clarkstown Planning Board had recommended the change be granted and that in accordance with the statutory requirements, they have determined that

- a. the uses permitted by the proposed change would be appropriate in the area concerned,
- b. public services exist, or can be created, as a result of such change,
- c. the proposed change is in accord with any existing or proposed plans for providing public water supply,
- d. the recent rate at which land is being developed in the proposed district is minimal in this area,
- e. this would not do violence to the Comprehensive Plan.

Further, the Planning Board respectfully recommends that should the above change be granted, to allow for proper and rational planning of the commercial area, it would be in the Town's best interest to reclassify Kemmer Lane from a Local road to a Secondary road, with appropriate pavement width.

Mr. Johns stated that the County Planning Board disapproved the proposed change stating that it was adverse since there would be increased traffic onto Route 59, an already heavily travelled road. Any construction will increase surface runoff. Since there is no site plan it would be difficult to evaluate the extent of the problem. Since the property is within an area of high use, the Board recommends that an evaluation of the zoning in the entire area from the railroad bridge west to the town line along the Route 59 corridor be undertaken. This would provide a better sense of how the land pattern should be developed.

Donald S. Tracy, Esq., appeared on behalf of the Petitioner, Mr. Bruce MacDonald. Mr. Tracy stated that the property was located on Kemmer Lane off Route 59 in the Hamlet of Nanuet. The property is bordered on both sides by RS districts - in the rear by PO useage and on the west side by the Holiday Inn. The property has been zoned PO since the Master Plan of 1967. Attempts have been made to sell the property but there have been no takers. The tax burden is quite large and the property as it is zoned cannot be utilized. Mr. Tracy questioned whether PO zoning was a method for sterilizing property and preventing growth. He felt the entire area should be studied. There are uses to which it could be put. He felt that it would never become a valuable resource to the Town if it is left in its present zoning designation.

Mr. Tracy stated that there were no plans for the property at this time and that if the zoning were to be changed there would probably be a small repair shop built by Mr. MacDonald. He felt that the County Planning Board recommended negatively because they did not know what was proposed. Mr. Tracy again stressed that a good look be taken at the area.

Mr. Tracy introduced Mr. Bruce MacDonald, the petitioner.

APPEARANCE: Mr. Bruce MacDonald
 3 Dalewood Court
 New City, New York 10956

Mr. MacDonald was sworn in by the Supervisor.

Mr. Tracy asked Mr. MacDonald how long he had resided in the area; to which Mr. MacDonald replied that he had lived here since 1941. Mr. Tracy asked how long the property in question had been owned or controlled by Mr. MacDonald or his family and Mr. MacDonald replied since 1957. Mr. MacDonald noted that it had come into his ownership in 1971.

Mr. Tracy asked Mr. MacDonald if, since 1971, attempts had been made by him to sell the property. Mr. MacDonald replied "Yes." Asked by Mr. Tracy if he had had any success, Mr. MacDonald replied "No."

Mr. Tracy asked how much taxes Mr. MacDonald paid on this property. Mr. MacDonald replied that he had brought the property from his father in 1971 when the taxes were \$800.00. In three years the taxes. In order to meet back taxes of \$42,000 he had to sell the front half of the property. Right now he owns two acres which is taxed at \$7,000 per year.

Mr. MacDonald stated that he was presently working. When asked by Mr. Tracy what he would do with the property if the zone change were granted Mr. MacDonald stated he would build an automotive repair shop.

Mr. Tracy stated that he would rest on the Planning Board's reports and reserve his right to rebuttal.

Councilman Holbrook asked what the surrounding parcels were zoned and had some questions with regard to the Master Plan. He also asked if Mr. MacDonald had kept a right-of-way onto Route 59; to which Mr. MacDonald replied "Yes." It was ascertained that there was access onto to Kemmer Lane and also Route 59. There is an existing approved cut onto Route 59.

Supervisor Dusanenko asked if there was anyone wishing to be heard in opposition to the proposed zone change.

IN OPPOSITION

APPEARANCE: Mr. Al Rossi
 Hutton Avenue
 Nanuet, New York 10954

Mr. Rossi stated that he was not necessarily opposed to the zone change but wished to express concern. He wished to know how this proposed zone change would affect the environment of the area and what precedent this would set. What will happen to the rest of the P.O. zone in this area. Once you pass the commercial area the streets are rural in nature. Mr. Rossi said he agreed with the County Planning Board. What should be done with the area? Kemmer Lane is a dead-end street with no turn around. There is no drainage system on the street. There is no water system or hydrants on Kemmer Lane. Water service to the residents is through Hutton Avenue. Do we want more regional type shopping in Nanuet. Maybe we want to hold the PO Zone; maybe we want a multi-family concept zone. What he was getting at was in the long run the action taken here and now may further erode the holding zone. He raised many questions as to the wisdom of this change. His major concern was the long range effect this proposed change would have on the area.

